

RULE 6.1.1  
TRIAL BY JURY

(a) Trial by Jury. Cases required to be tried by a jury shall be so tried unless the defendant files a written waiver of a jury trial, and has consent of the court.

(b) Demand by Prosecution. The prosecuting authority may demand a jury trial when authorized by law. The demand shall be in writing and filed with the court within 15 days after the defendant is arraigned. Notice of the demand shall be served upon the defendant promptly thereafter.

(c) Number of Jurors. The number of persons serving on a jury shall be six, not including alternates.

(d) Juror Unable To Continue. If a case has not yet been submitted to the jury and a juror is unable to continue and no alternate jurors were selected or none are available, or if a case has been submitted to the jury and a juror is unable to continue, all defendants may elect to continue with the remaining jurors. The court shall declare a mistrial for any defendant who does not elect to continue with the remaining jurors. If some, but not all, defendants elect to continue with the trial, the court shall proceed with the trial for those defendants unless the court determines manifest necessity requires a mistrial.

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